

1 **SAO**

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9 *Attorney for Plaintiffs*

10 The undersigned does hereby affirm that this  
11 document does not contain the social security  
12 number of any person.

13 **IN THE UNITED STATES DISTRICT COURT**  
14 **DISTRICT OF NEVADA**

15 KARL MITCHELL, an individual and  
16 KAYLA MITCHELL, an individual,

17 Plaintiffs,

18 vs.

19 NYE COUNTY, NEVADA, a political  
20 subdivision of the State of Nevada, HARRY  
21 WILLIAMS, in his individual and official  
22 capacity as an employee of Nye County,  
23 SUSAN RYHAL, in her individual and  
24 official capacity as an employee of Nye  
County, SHARON WEHRLY, in her  
individual and official capacity as an employee  
of Nye County, ZUZANA KUKOL, an  
individual and Nye County Agent capacity,  
SCOTT SHOEMAKER, an individual and  
Nye County Agent capacity, DOES 1-10,

Defendants.

Case No: 2:20-cv-00086-APG-VCF

**STIPULATION AND ORDER TO**  
**EXTEND TIME TO FILE DISCOVERY**  
**PLAN**

25 COMES NOW, Plaintiffs by and through their counsel, Arlette P. Newvine, Esq., of  
26 Newvine Law, LLC and Nye County Defendants, by and through its counsel, Brent L. Ryman,  
27 Esq. and of Erickson, Thorpe and Swainston, Ltd., to request an extension to file a stipulated  
28 Discovery Plan and Scheduling Order up to an including December 11, 2020 in order to allow

1 the new party Defendants to file a Responsive Pleading and participate in the drafting of a  
2 Discovery Plan and Scheduling Order. This Court ordered a new Discovery Plan and Scheduling  
3 Order be filed on or before October 15, 2020 (ECM No. 55). However, because the new parties  
4 Defendants waived service, their responsive pleading is not due until December 4, 2020,  
5 pursuant to FRCP 4(d)(3). Furthermore, Plaintiff's counsel has reached out to counsel for the  
6 new Defendants, however, he is out of the office until October 19, 2020. Therefore, allowing an  
7 extension in the discovery schedule will allow Defendant's time to make their first appearance,  
8 and allow Counsel for the parties to take the new answer into consideration when collaborating  
9 on and drafting a new Discovery Plan and Scheduling Order. Finally, Defendants reserve the  
10 right, and expect, to file a timely motion to strike Plaintiffs' First Amended Complaint as a  
11 fugitive document filed without leave of court and outside the timeline allowed by this Court's  
12 Order allowing leave to amend. Nonetheless, all parties agree a revised discovery plan and  
13 scheduling order will be necessary and request until December 11, 2020, to file their joint  
14 proposed plan with the Court. Notwithstanding,

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1 IT IS HEREBY STIPULATED by and between Plaintiffs by and through their counsel,  
2 Arlette P. Newvine, Esq., of Newvine Law, LLC and Defendants, by and through its counsel,  
3 Brent L. Ryman, Esq. and of Erickson, Thorpe and Swainston, Ltd., that the Parties be granted  
4 an extension to file a stipulated Discovery Plan up to an including December 11, 2020 to allow  
5 the new party Defendant's to file a Responsive Pleading and participate in the drafting of a Joint  
6 Discovery Plan.

7 Executed on this 14 day of October, 2020.

Executed on this 14 day of October, 2020.

8 NEWVINE LAW, LLC

ERICKSON, THORPE & SWAINSTON, LTD

9 /s/Arlette P Newvine

10 Arlette P Newvine, Esq (#14613)  
Attorney for Plaintiffs


/s/ Brent L Ryman

Brent L Ryman, Esq (#008648)  
Attorney for Nye County Defendant

11  
12 **ORDER**

13 IT IS SO ORDERED, the parties shall file a new Discovery Plan and Scheduling Order  
14 on or before December 11, 2020.

15  
16 DATED: 10-15-2020

  
UNITED STATES MAGISTRATE  
JUDGE